

Before the
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Carolina Post Office
Carolina, WV

Docket No. A2011-95

COMMENTS OF THE PUBLIC REPRESENTATIVE

(December 7, 2011)

I. INTRODUCTION

On September 28, 2011, the Commission docketed the petition filed by Jack Fuller (Petitioner) to review the closing of the Carolina post office. On September 30, 2011, the Commission issued an order instituting the current review proceedings, appointing a Public Representative, and establishing a procedural schedule.¹ Thereafter, another petition for review was filed by William Taylor on October 12, 2011. Participant statements were received between November 1 and November 7, 2011.² Petitioner Fuller filed comments on November 1, 2011 which included signatures from 185 boxholders at the Carolina, WV post office. The Postal Service filed comments supporting its closure determination on November 22, 2011.³

¹ Notice and Order Accepting Appeal and Establishing Procedural Schedule, September 30, 2011 (Order No. 888).

² Statements were received from Erma Colisino, Beverly Colisino, Harry Colisino, Sr., and Charles E. Marstiller.

³ United States Postal Service Comments Regarding Appeal, November 22, 2011 (Postal Service Comments).

II. ADEQUACY OF THE POSTAL SERVICE'S FINAL DETERMINATION

After careful review of the Postal Service's Final Determination, the materials in the Administrative Record, the arguments presented by Petitioners and the Petition submitted by customers of the Carolina post office, the Public Representative concludes the Postal Service's decision should be affirmed. The Postal Service has provided adequate notice and has complied with the requirements of 39 U.S.C. 404(d)(2). The Final Determination is not arbitrary and capricious; the Postal Service's decision is supported by substantial evidence, and should be affirmed.

Petitioners' arguments, and Petitioner Fuller in particular,⁴ present vigorous arguments for maintaining the Carolina post office in the unusual hilltop town where it is uniquely difficult to travel up steep hills in winter. Among the Petitioners' concerns are carriers will not travel up and down every street in winter weather and that cluster boxes are not temperature controlled which could harm medicines.

The installation of cluster boxes within Carolina to serve up to 185 current post office box customers from the Carolina post office is consistent with the maintenance of regular and effective postal service as provided in 39 U.S.C. 404(d). The inconvenience of cluster boxes is mitigated by the lock on the cluster box, the availability of parcel lockers and, in hardship cases, delivery directly to homes. Assuming the cluster boxes to be provided on the "carrier's line of travel" (Postal Service Comments at 3, 6, and 7) are placed within the community on streets now traversed by patrons who walk to the post office, access to mail will not be appreciably diminished and effective and regular mail service will continue to be provided.⁵

⁴ Letter of Jack Fuller, filed November 1, 2011.

⁵ The "carrier's line of travel" for locating the cluster boxes is important but it is not indicated in the Administrative Record. There is one main way out of Carolina. Residents drive down a steep hill one mile to the intersection with Route 218. See Petitioner Fuller's November 1, 2011 letter, Item # 1. If Route 218 is deemed the "carrier's line of travel" so that cluster boxes are not placed within the community but, instead, all cluster boxes are placed at the intersection of the steep road with route 218, the maximum degree of effective and regular service would not be provided. The record does not indicate that the Postal Service considered the location of the cluster boxes in reaching its determination other than specifying the carrier's line of travel.

Retail window service will not be as convenient as having a post office in town, but that is usually the case when a post office closes. To offset the inconvenience, additional access to most retail services will be available from the rural or contract carrier. Also, retail services are available at the Worthington and Idamay post offices. Both post offices are on the main road used to leave Carolina but in opposite directions and are not so far away (about 3 miles). They are located on the routes to shops and other businesses regularly used by Carolina postal patrons. Responses to questionnaires indicate the Carolina postal patrons make frequent shopping and business trips that pass either the Worthington or Idamay post offices on the way to Fairmount, WV and other areas including Morgantown, WV. Administrative Record, Item No. 21.

The Commission recently affirmed the Postal Service's final determination in a similar case where cluster box service will be provided by the Postal Service upon closing of the Grant, Iowa post office.⁶ The Commission's order explained that retail postal services will be maintained with rural carriers handling most retail transactions including the Stamps by Mail program, carriers deliver mail up to one-half mile off of the line of travel and customers with a disability can receive delivery to their home. Order No. 1023 at 8-9.

In the case of Grant Iowa, the two nearest alternate post offices were 15 and 20 minutes driving time from the Grant post office. In this case, the Worthington post office is 8 minutes driving time and 3.14 miles away and the Idamay post office is 6 minutes driving time and 3.19 miles away from the Carolina post office.⁷ In the Grant case, the Postal Service already provided home delivery in adjoining neighborhoods, but the Final Determination providing for cluster box delivery was nevertheless affirmed. In this case, there is no record that home delivery service is provided nearby.

⁶ See Docket No. A2011-44, Grant Post Office, Grant, Iowa (Order No. 1023), December 5, 2011.

⁷ According to Google MapQuest.

The Postal Service has also considered the effect on employees, the effect on the community and the economic savings from closing the Carolina post office. The economic savings study estimates a saving of \$43,897, but does not use the actual labor costs of the present employees at the facility and does not sufficiently demonstrate that the actual compensation currently paid to the employees will be saved by closing the post office. However, even if reasonable estimates to adjust for actual compensation are made in the study, there will be a savings by closing the Carolina post office. The Postal Service has met the requirements of 39 U.S.C. 404(d)(2).

III. CONCLUSION

For the reasons set forth above, the decision of the Postal Service to close the Carolina post office should be affirmed.

Respectfully Submitted,

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Public Representative

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